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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,216	03/09/2004	Ben Penner	TTC-13702/08	2719

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EXAMINER

ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/796,216	PENNER ET AL.	
	Examiner	Art Unit	
	Ruth Ilan	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/25/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "10".
2. The drawings are objected to because of the following informalities. In Figure 1, the lead line for "32" doesn't point to the web. Figure 2 does not match Figure 1, because none of the cut-outs or notches are shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because the first sentence is grammatically incorrect. The Examiner suggests inserting "that" before "is" in line 1. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: On page 4, line 13, "opend" should be "open". On page 4, line 19 "distantnce" should be "distance".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 5 recites "coupled to the instrument panel", however the applicant discloses that element 38 is the knee bolster. As such the scope of the claim is unclear. In claim 2, line 4, it is unclear if "instrument panel" should be knee bolster. For the purposes of examination, it is assumed that the Applicant intends the knee bolster to be part of the instrument panel. The preceding holds true for claims 8-11 as well. Further in claim 2, "said outer and inner walls" lacks antecedent basis. In claim 4, line 2, "said web" lacks antecedent basis. The Examiner notes that "a web" is introduced in claim 3.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuyama (US 5,037,130.) Okuyama teaches an occupant restraint mechanism disposed between a rigid member (7) and an instrument panel including first and second brackets (5) extending between proximal ends fixedly secured to the rigid member (at 11) and distal ends coupled to the instrument panel (3). As seen in Figure 5, Okuyama teaches a concave notch (29) formed that allows for a predetermined amount of deformation. The notch is formed in at least one of the outer walls. As seen in Figure 5, the brackets are U-shaped, with a web. The notch is formed in an open edge of the wall and is concave toward the web. Also, as seen in Figure 5, the bracket extends arcuately.

9. Claims 1- 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki et al. (US 6,883,833.) Yamazaki et al. (Figures 1-5) teaches an occupant restraint mechanism disposed between a rigid member (3) and an instrument panel (9) and including first and second brackets (7 and 8) extending between proximal ends fixedly secured to the rigid member (at 7a, 8a) and distal ends coupled to the instrument panel (at 7b, 8b). As seen in Figure 3, Yamazaki et al. teaches concave notch (12c) formed that allows for a predetermined amount of deformation. The notch is formed in at least one of the outer walls. As seen in Figure 4a-4e, Yamazaki et al. teaches outer and inner walls, which include the inner vertical portion connected to the web, the horizontal portion at the top of the bracket and the vertical portion at the edge of the bracket, and

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the web (bottom inner most portion) defines a generally U-shaped cross section (see Figures 4A and 4E).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama (US 5,037,130) in view of Witkovsky (US 5,456,494.) Okuyama et al. is discussed above, and for those elements not previously discussed, additionally teaches that an end wall (see Figure 2a – bent portion flush with element 3, and fixed by machine screws, (see col. 2, lines 45-47, hence inherently having apertures.) Regarding claim 10, both of the brackets are positioned in the vicinity of the occupant's knees.) Okuyama fails to teach a flange formed at the proximal end to facilitate welding to the rigid member. Witkovsky teaches a bracket that is welded to a rigid member. The bracket includes a flange (at 10.) which is helpful in providing a weld surface. It would have been obvious to one having ordinary skill in the art at the time of the invention, to include a flange at the weld joint of Okuyama, as taught by Witkovsky, in order to provide a weld connection with sufficient surface area to provide a strong joint.

Allowable Subject Matter

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12. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sinner et al., Matsuo et al., Kasahara et al., and Rob et al. teach occupant restraint mechanism brackets of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

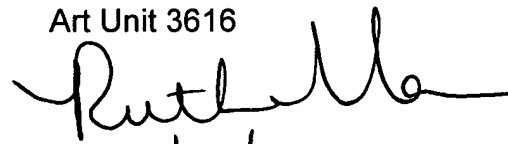
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan

Primary Examiner

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3/17/06

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